

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 OSVALDO GARCIA,
8 Plaintiff,
9 v.
10 STATE OF NEVADA et al.,
11 Defendants.
12

2:17-cv-00582-JAD-GWF

ORDER

I. DISCUSSION

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has
15 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to
16 proceed *in forma pauperis*. (ECF No. 1, 1-1).

17 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.
18 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in*
19 *forma pauperis* and attach both an inmate account statement for the past six months and a
20 properly executed financial certificate. Plaintiff has not submitted an inmate account
21 statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied without
22 prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file
23 it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an
24 opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the
25 alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to
26 proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
27 *pauperis*.

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II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No. 1-1), but shall not file it at this time.

DATED: This 1st day of March, 2017.

George Foley Jr.
United States Magistrate Judge